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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,397	02/25/2002	Andreas Hofstetter	P01,0402 (26970-0156)	2404
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SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			EXAMINER BURGESS, BARBARA N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/009,397	Applicant(s) HOFSTETTER, ANDREAS	
	Examiner BARBARA N. BURGESS	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Amendment filed September 19, 2008. Claims 1-15, 19-20 have been cancelled as requested by Applicant. Claims 16-18 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub (US Patent Publication 2003/0011805 A1) in view of Durst et al. (hereinafter "Durst", US Patent No. 6,108,656).

As per claim 16, Yacoub discloses a method for operating a network for the interconnection of computers having a server and a client, comprising:

- generating an address of a further server or device for said server switching said client to said further server or device (paragraph [0036]);
- communicating said address to said client inquiring said server (paragraphs [0024-0025]).

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- Using said transmitted executable datafile, inquiring by said client to said server, which is a queried server, for a specific service offered by said server, said client using specific parameters of said service (paragraphs [0017, 0023]);
- determining by said queried server whether it can perform said inquired service (paragraphs [0024, 0026]);
- if said server can perform said service, said server performs said service by said server (paragraphs [0037, 0039]);
- if said server cannot perform said service, using said transmitted executable datafile, either said server or said client switches said client to a further server or device connected to said network that is capable of executing said service using said transmitted datafile for the switching (paragraphs [0030, 0038-0040]).

Yacoub does not explicitly disclose:

- installing an interpreter at said server;
- interpreting, by said interpreter, language elements executable at said server contained in said datafile;
- executing, by said interpreter, said language elements executable at said server;
- executing, by said client, language elements executable at said client contained in said datafile.
- storing at least one datafile on said server that is executable in said server and in said client;
- calling said datafile by said client by sending a corresponding datafile

address to said server;

- transmitting said datafile by said server to said client in response to said calling said datafile by said client.

Durst discloses the user making a file request via the Internet by entering a URL. The target server fetches or generates the requested file. The file is transmitted to the client computer and displayed on the browser for viewing by the user (column 5, lines 47-52, column 8, lines 1-8, 40-41, 46-65, column 9, lines 11-17, 20-24).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durst's interpreter, storing datafiles, executing language elements, calling datafiles, and transmitting datafiles in Yacoub's method in order to indicate to the server which version of the client software is requesting the file and generating a page to return to the client browser.

As per claim 17, Yacoub discloses the method for the operation of a network according to claim 16, wherein service offered by said server is executing a printing order, and said method further comprising:

forwarding, by said server, said print order to another server (paragraphs [0030, 0037-0039]).

As per claim 18, Yacoub discloses the method for the operation of a network according to claim 16, further comprising the steps of:
storing information about said services offered by said server in a databank of

said server (paragraph [0030]);

examining said databank to determine if a service is present for an inquiry by said client (paragraph [0037]).

Response to Arguments

3. Applicant's arguments filed have been fully considered but they are not persuasive.

The Office notes the following argument(s):

(a) Yacoub does not teach switching from a first server to a second server but is only switching printers.

(b) Yacoub does not have the capability of using the address of that further server to switch to the further server.

In response to:

(a) Yacoub teaches user selecting parameters and preferences of a print job such as image quality and/or speed. This information (datafile) is sent to the virtual printer, which is an extension of a server. The virtual printer uses this information for determining the best server for executing the job. If a selected printer is busy or cannot complete the request, the virtual server changes to a server that can implement the preference of the user (paragraphs [0030, 0038-0040]).

Therefore, Yacoub teaches switching from a first server to a second server.

(b) Yacoub teaches notifying the user of the location (address) of the appropriate printer. A physical location (address) is determined and sent to user so that the user had to travel the shortest possible distance (paragraphs [0024-0025]).

Therefore, Yacoub undoubtedly discloses using the address of that server to switch to the further server.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Barbara N Burgess/
Examiner, Art Unit 2457

Barbara N Burgess
Examiner
Art Unit 2457

December 29, 2008

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457